



2026:DHC:8411-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 28.09.2026***# **CNR No. DLHC010357132026**+ **W.P.(CRL) 2348/2026****HARSHITA TALWAR**

.....Petitioner

Through: Mr.Harsh Prabhakar  
(DHCLSC), Mr.Dhruv  
Chaudhry, Mr.Shubham  
Sourav, Mr.Vijit Singh, Adv.  
along with petitioner in person

versus

**STATE OF NCT OF DELHI AND ORS** .....Respondents

Through: Mr.Sanjay Lao, Sr. Adv. with  
Mr.Aman Usman, APP with  
Ms.Priyam Agarwal,  
Mr.Abhinav Kumar Arya and  
Mr.Aryan Sachdeva, Adv. for  
the State with SI Yogesh  
Sharma, PS Ashok Vihar and SI  
Naveen Dahiya, PS Prashant  
Vihar.

**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MR. JUSTICE ARUN BHARDWAJ****NAVIN CHAWLA, J. (ORAL)**

1. The present Writ Petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking issuance of a Writ in the



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nature of Habeas Corpus for the production of Ms.Shashi Talwar/mother of the petitioner and Master D/the minor son of the petitioner.

2. It is stated in the petition that the petitioner is presently in custody in relation to FIR No.219/2024 registered under Section 384 of the Indian Penal Code, 1860 at Police Station Ashok Vihar. While in custody, she tried to establish contact with her mother who, in turn, has the custody of the minor child of the petitioner, however, was unable to do so. Apprehending on their security, the petitioner also made calls to her relatives, namely, the respondent nos.5 and 6, however, they did not disclose their location. The petitioner also filed an application seeking bail in the above FIR, which was granted on 10.11.2025, however, she remains in custody because she was unable to furnish the surety bonds. She then made a complaint to the police regarding the whereabouts of her mother and the child not being known. She complains that no fruitful action was taken on her complaint. The petitioner further states that she then applied for custody bail in the FIR, however, the same also stood rejected by the learned Additional Sessions Judge (Spl. FTC), North-West District, Rohini Courts by an order dated 12.05.2026.

3. Notice of this petition was issued to the respondent nos.1 to 3 on 06.08.2026.

4. On 01.09.2026, Ms.Shashi Talwar, the mother of the petitioner personally appeared before us. She stated that she did not wish to keep any contact with the petitioner and is, in fact, afraid of her. She also requested that she be lodged in an old age home as she is presently



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residing with her brother who is unable to take care of her. As far as Master D is concerned, she stated that the petitioner had never been blessed with a child and, therefore, all averments of the petitioner in this regard are false.

5. Keeping in view the statement made by the mother of the petitioner, we directed the respondent nos.1 to 3 to make inquiries and file a verification report if the petitioner was ever blessed with a child. In compliance thereto, a Status Report was filed by the SHO, Mukherjee Nagar dated 07.09.2026, which *inter alia* stated that inquiries had been made from Get Well Hospital, Ajmer, Rajasthan and it was informed that no patient by the name of the petitioner was ever admitted in the said hospital where the child is alleged to have taken birth.

6. On 08.09.2026, the petitioner was produced before us in custody. She submitted that she had been admitted to the Get Well hospital in the name of Harshita Chawla. She further stated that the fact of the birth of the child can also be got verified from her husband Mr.Kuber Chawla. We, therefore, directed the respondent nos.1 to 3 to make inquiries in this regard as well.

7. Today, Mr.Lao, the learned Senior Counsel for the respondent nos.1 to 3, hands over a copy of the Status Report dated 28.09.2026, which *inter alia* states that an inquiry was made from the Get Well Hospital, Ajmer, Rajasthan of any patient in the name of Harshita Chawla being admitted in the same on 01.11.2024, the date when the alleged child of the petitioner was born. The hospital has confirmed that there was no patient by the said name admitted in the said hospital



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nor any child was born to such patient in the said hospital. Inquiry was also made to trace out Mr.Kuber Chawla, who is the alleged husband of the petitioner, however, the said inquiry did not yield any fruitful result inasmuch as no such person was found residing at the given address, and in fact, on inquiry, it was found that the address given by the petitioner was one where the mother of the petitioner used to reside at one point of time. He submits that, therefore, the petitioner is merely trying to mislead this Court in order to secure bail, which is the true purpose of this petition. The Status Report filed by the respondent nos.1 to 3 is taken on record.

8. He also places before us a copy of the order dated 02.05.2026 passed by the learned Chief Judicial Magistrate (North-West District), Rohini Courts, Delhi wherein, while seeking custody bail, the petitioner had made similar allegations, however, no merit was found by the Court in the same, observing as under:

*“However, the material placed on record reflects substantial inconsistencies in the stand taken by the accused. Learned counsel for the complainant has placed on record orders passed in another case wherein, on an earlier occasion, it was submitted on behalf of the accused that her mother had expired and exemption was sought on that ground. Further, in an order on sentence in the said matter, it is recorded that the accused had a child aged about 10 months, whereas in the present application it is stated that the child is 45 days old.*

*These contradictions, prima facie, render the present plea doubtful. Apart from the bare assertion, no document has been placed on record to substantiate that the mother and child are presently missing or that any emergent situation exists.”*



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9. In fact on a similar plea, the learned Additional Sessions Judge (Spl. FTC), North-West District, Rohini Courts in the order dated 12.05.2026, while refusing to grant custody bail to the petitioner, has also taken note of the above order passed by the learned CJM, observing as under:

*“9. The application is also found ambiguous on the alleged aspect of missing child and mother and the same was also observed by Ld. CJM vide order dated 02.05.2026.”*

10. Given the above facts wherein the mother of the petitioner has been traced and has categorically stated that she does not wish to keep any contact with the petitioner, while there being no proof of the petitioner ever been blessed with a child, no further orders can be passed in the present petition. The same is, accordingly, disposed of leaving the petitioner to avail of her own remedies, in accordance with law.

**NAVIN CHAWLA, J**

**ARUN BHARDWAJ, J**

**SEPTEMBER 28, 2026/ns/hn**